

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7783**

**BILL NUMBER: SB 517**

**NOTE PREPARED:** Jan 17, 2003

**BILL AMENDED:**

**SUBJECT:** Adoption Package.

**FIRST AUTHOR:** Sen. Clark

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that a petitioner for adoption may have temporary custody of the child sought to be adopted pending final resolution of the adoption. The bill requires a paternity proceeding to be consolidated with a pending adoption proceeding. The bill requires notice of a petition for adoption to a person other than a putative father. It allows a court to dispense with a biological father's or parent's consent to adoption in certain circumstances. The bill revises procedure for contesting an adoption. The bill amends the circumstances in which a person may withdraw a consent to adoption. The bill also provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Penalty Provision:* The bill provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** This bill may reduce expenditures associated with adoption proceedings. The bill includes several provisions that would streamline an adoption proceeding. These provisions may reduce court and staff time and the associated expenditures. The total number of cases that this would apply to is not known.

*Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** *Penalty Provision:* The bill also provides that a woman commits a Class A misdemeanor if the woman presents herself as a birth mother and accepts adoption expenses with no intention of placing the child for adoption.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Michael Molnar, 317-232-9559